

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JUANITA TANSIL,

Plaintiff,

v.

HONDA MOTOR COMPANY, LTD.,
d/b/a AMERICAN HONDA MOTOR
COMPANY, INC., d/b/a HONDA OF
AMERICA MFG., INC., AND
DRK INVESTMENT CO. RAYMOND J.
MUNGENAST d/b/a MUNGENAST
ST. LOUIS ACCURA,

Defendants.

Cause No: 4:16-cv-01220 CEJ

**DEFENDANT DRK INVESTMENT CO.'S MOTION TO DISMISS
BASED ON THE LACK OF SUBJECT MATTER JURISDICTION**

COMES NOW, Defendant DRK Investment Co. d/b/a Mungenast St. Louis Acura
and move this Court to dismiss this lawsuit because Plaintiff has alleged diversity
jurisdiction and there is no diversity. In Support of this Motion, Defendant states:

1. Plaintiff filed a Second Amended Complaint on August 17, 2016.
2. In the Second Amended Complaint, Plaintiff alleged that DRK Investment Co. Raymond J. Mungenast is a corporation organized and existing under the laws of the United States with its principal place of business in St. Louis, Missouri.
3. A corporation is a considered a resident of the state in which it was incorporated and in the state where it maintains its principal place of business.
4. Based on Plaintiff's allegations, the defendant she identified as DRK Investment Co. Raymond J. Mungenast is a Missouri resident.

5. Plaintiff also alleges that she is resident of the State of Missouri.


6. Defendant DRK Investment Co. submits that Plaintiff has misidentified the name of Defendant. The proper Defendant is DRK Investment Co. d/b/a Mungenast St. Louis Acura. DRK Investment Co. submits that it is a Missouri corporation formed under the laws of Missouri and it has its principal place of business in the state of Missouri. (See Affidavit of Patrick Sanders attached hereto as Exhibit A).

7. Plaintiff and Defendant DRK Investment Co. are both residents of the state of Missouri.

8. Defendant incorporates in Memorandum of Law filed contemporaneously herewith.

WHEREFORE, Defendant requests this Court to dismiss Plaintiff's Complaint based on the lack of subject matter jurisdiction and to award Defendant all other relief that is just and proper.

LAW OFFICE OF CRAIG A. HANSEN



Paul E. Petruska #46922
3660 South Geyer Road, Suite 340
St. Louis, MO 63127
E-mail: paul.petruska@zurichna.com
PH: (314) 436-2775
Fax: (314) 835-9422
Attorney for Defendant DRK Investment Co.

CERTIFICATE OF SERVICE

A copy of the foregoing was electronically filed with the Court this 29th day of September, 2016, to:

Juanita Tansil
1815 Cambridge Lane
St. Louis, MO 63147



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JUANITA TANSIL,

Plaintiff,

v.

HONDA MOTOR COMPANY, LTD.,
d/b/a AMERICAN HONDA MOTOR
COMPANY, INC., d/b/a HONDA OF
AMERICA MFG., INC., AND
DRK INVESTMENT CO. RAYMOND J.
MUNGENAST d/b/a MUNGENAST
ST. LOUIS ACCURA,

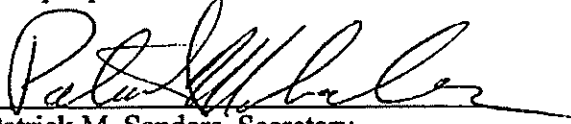
Defendants.

Cause No: 4:16-cv-01220 CEJ


AFFIDAVIT OF PATRICK M. SANDERS

After first being duly sworn, I Patrick M. Sanders state as follows:

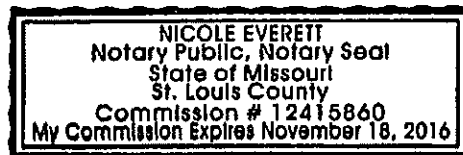
1. I am an officer of DRK Investment Co.
2. DRK Investment Co. is a Missouri corporation, Charter No. 00284289.
3. DRK Investment Co. has its principal place of business in Missouri.


Patrick M. Sanders, Secretary
DRK Investment Co. d/b/a
Mungenast St. Louis Acura

The foregoing Affidavit was subscribed and sworn to before me this 26th day
of September , 2016.

Notary Public: 

My Commission Expires: 11-18-16



EXHIBIT

A